

REMARKS

Claims 1, 2, 4, 5, and 42-47 are all the claims presently pending in the application. Claims 1, 4, 42, 44, 46, and 47 are amended. Claims 3 and 6-41 are canceled. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The contents of the present Office Action are addressed in the following discussion.

I. THE NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS

Despite an error by the Office that alleges that the present application is somehow rejected by itself, Applicants respectfully assume that claims 1, 2, 4, 5, and 42-47 stand provisionally rejected under nonstatutory obviousness-type double patenting (hereinafter referred to as “ODP”) as allegedly being unpatentable over claims 5, 7, and 8 of Moon et al. (copending Application no. 12/170,942, hereinafter referred to as “Moon ‘942”) in view of Okada et al. (U.S. Patent Publication No. 2002/0194618 A1). Claims 1, 2, 4, 5, and 42-47 stand provisionally rejected under nonstatutory ODP as allegedly being unpatentable over claims 1, 3, and 4 of Moon et al. (copending Application no. 12/170,911, hereinafter referred to as “Moon ‘911”) in view of Okada. Claims 1, 2, 4, 5, and 42-47 stand provisionally rejected under nonstatutory ODP as allegedly being unpatentable over claims 1 and 5 of Moon et al. (copending Application no. 12/170,992, hereinafter referred to as “Moon ‘992”) in view of Okada. Claims 1, 2, 4, 5, and 42-47 stand provisionally rejected under nonstatutory ODP as allegedly being unpatentable over claims 6 and 10 of Moon et al. (copending Application no. 12/170,975, hereinafter referred to as “Moon ‘975”) in view of Okada. Claims 1, 2, 4, 5, and 42-47 stand provisionally rejected under nonstatutory ODP as allegedly being unpatentable over claims 1, 3, and 4 of Moon et al. (copending Application no. 12/170,964, hereinafter referred to as “Moon ‘964”) in view of Okada.

Since Moon ‘992, Moon ‘975, Moon ‘964, Moon ‘942, and Moon ‘911 have not yet been issued as patents, and since claims 1, 2, 4, 5, and 42-47 of the present application have not yet been indicated as allowable, Applicants respectfully submit that any submission of a Terminal Disclaimer

or arguments as to the non-obvious nature of the claims would be premature. (See MPEP § 804(I)(B).)

As such, Applicants respectfully request the opportunity to address any ODP issues remaining once the prior art rejections are resolved, and that the ODP rejections be reconsidered in light of the amended claims presented above.

II. THE PRIOR ART REJECTION – The Okada Reference

Claims 1, 2, 4, 5, and 42-47 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Okada.

MPEP § 2131 provides that “[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference*.” Verdegaal Bros. v. Union Oil Co. of CA, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Okada is directed to providing a video reproduction apparatus. (Okada at Abstract.) The Office alleges that Okada anticipates each and every feature of the claims. However, Applicants respectfully disagree and submit that each and every element as set forth in the amended independent claims is not found, either expressly or inherently described, in Okada. Further, Applicants respectfully submit that Okada does not show the identical invention in as complete detail as is contained in the amended independent claims.

Specifically, on pages 24 and 25 of the Office Action, the Office alleges that the claimed time map is

met by “stream.xml” in Fig. 19 and paragraphs 250-272 [of Okada] and the “stream*.mpg” in paragraphs 153-154, 252-254. The “stream.xml” further includes “TIMEMAP” information as discussed in paragraphs 266-272 Paragraphs 262-272 teaches(sic) that the “stream.xml” further includes “ENTRY” data that includes time information and address information used during playback to find the respective reproduction positions”

In addition, on page 25 of the Office Action, the Office alleges that the executable program is taught by Okada as follows:

the executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314))

....

However, contrary to the Office's allegation in the above-referenced portion of the Office Action, the "selectTitle function" causes nothing, as is clearly seen through even a cursory reading of paragraphs [0335]-[0337] and [0374]-[0378] of Okada as follows:

[0335] The content displayed by each page is described using the <MENU_PAGE> tag in the MENU data as described with reference to **FIG. 17**. A button is created based on the <TITLE> element within the MENU_PAGE element and displayed on screen.

[0336] The nextPage member function enables navigating to the next page (**2711**) and the prevPage member function enables navigating to the previous page (**2721**) in the case of multipage menus. If a title is selected, the selectedTitle member function reports the selected title to the application (**2731**).

[0337] The menuThread member function starts a thread (**2741**) and receives events from the Cursor instance (**2742**). When an event is received from a Cursor instance, menuThread detects if the event is a title selection (**2743**); if a title selection event is detected the selectTitle function is called (**2744**) and the selected title is reported to the application.

[0374] If a selection action is executed with the cursor on title 4, for example, the Menu instance knows that a title was selected through the selected function of the Cursor instance. The selectedTitle function then notifies the application that a title was selected, and the application advances to the title reproduction steps (3008 and following).

[0375] Using the selected title information as an argument, the player application calls the getTitle function of the Package instance and gets a Title instance (3008). The player application then calls the play function of the Title instance to start playback (3009), and calls the enableEvent function to start an event thread (3010).

[0376] Title objTitle=objPackage.getTitle(title);

[0377] objTitle. play();

[0378] objTitle.enableEvent();

....

As is clearly seen in the above-referenced portion of Okada, the “selectTitle function” only functions as reporting the selected title to an application, and is totally unrelated to the claimed navigation data which is used to control “reproduction of a corresponding reproduction information unit”, as is recited, for example, in amended claim 1 and somewhat similarly in amended claim 42. Indeed, as is recited in paragraph [0374] of Okada, the “selectTitle function” only serves to notify.

The claimed reproduction information includes information indicating a reproduction interval of the audio visual stream data, and the claimed navigation data is used in selecting such reproduction information. On the other hand, the “selectTitle function” of Okada is not used in selecting the “TIMEMAP” of Okada, which the Office alleges to teach features of the claimed time map.

Further, the Office alleges that the claim language fails to establish what constitutes a “first file”, a “second file”, and “a third file” (which Applicants respectfully assume was mistakenly not changed by the Office to recite “an executable program”). (Office Action at pages 24 and 25.) However, Applicants respectfully submit that nowhere in the MPEP is claim language required to establish the constitution of a claimed feature. Assuming (arguendo) the MPEP required Applicants

to comply with the Office's wishes presented in the present Office Action, it would be more likely that the claims would go on for several pages, and a claim set may likely be as long as the detailed description section of the specification. As stated above, the MPEP does not require this information to be provided in the claims in order for the Office to correctly interpret the claims.

In fact, the specification is designed to provide background such that one having ordinary skill in the art would understand the claims. Applicants respectfully submit that the present specification clearly provides adequate support for the claimed features such that one having ordinary skill in the art would not require any further definition in the claims. In addition, the Office is required to interpret the entirety of the claims, including all features and limitations, in light of the specification. Therefore, Applicants respectfully request the Office to interpret the constitution of the claimed features and/or limitations in light of the specification as would one having ordinary skill in the art.

Therefore, for at least the above-referenced reasons, the Office clearly fails to make a *prima facie* case of anticipation in view of Okada with respect to the present claims. Accordingly, Applicants respectfully request the Office to reconsider and withdraw this rejection.

III. CONCLUSION

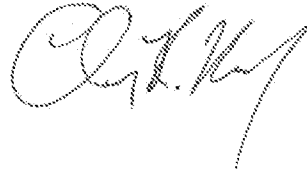
In view of the foregoing, Applicants submit that claims 1, 2, 4, 5, and 42-47, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Office is respectfully requested to pass the above application to issue at the earliest possible time.

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(1101.0109)

Should the Office find the application to be other than in condition for allowance, the Office is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C.R. Monday', written over a horizontal line.

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